

## II. REMARKS

The Examiner objected to Figure 1 as not being designated by a legend, "PRIOR ART." Applicant submits an amended drawing with that legend herewith.

Claims 17-19, through a typographical error, improperly depended from claim 17 and have been amended to depend from claim 16. No new matter has been added.

The Examiner rejected claims 1-3, 6, and 8-19 under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2003/0014376 (DeWitt). Applicant respectfully traverses.

To anticipate under 35 U.S.C. §102(e), every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001).

"Milling" means "to shape, finish, or transform by passing through a machine; specifically, to shape or dress, as metal, such as by means of a rotary cutter." WEBSTER'S REVISED UNABRIDGED DICTIONARY, © 1996, 1998 MICRA, Inc. A milling line, therefore, is one on which a material passes to be changed in shape or dress such as by cutting. (*See* current application, para. [0002]) DeWitt does not disclose a milling line. Instead, DeWitt discloses feeder 40 which serially feeds mail from a stack onto a roller bed 70, which conveys the mail to a reader 80. There is no milling which occurs in DeWitt, and no milling line, and thus there is no "processing" of the material at a predetermined location along the milling line.

Further, DeWitt's sensor does not sense a measurement of a predetermined characteristic of material on the milling line. In addition to the lack of a milling line, DeWitt's sensor 24 essentially operates as an on/off switch such that when a lead piece of mail engages the sensor arm and displaces the arm inwardly to a pre-set trigger position in the gap, the conveyor is stopped, i.e. the sensor arm is displaced inwardly to the trigger position, the sensor 24 sends a

signal to the system controller 15, which stops the conveyor motor 27, thereby stopping the conveyor 22, and the sensor arm is displaced outwardly, the sensor sends a signal to the system controller 15, which starts the conveyor motor 27, thereby starting the conveyor 22. Thus, there is no measurement of a characteristic, only the determination of presence or absence of material at the sensor.

Further still, DeWitt does not disclose calculating an adjustment of the material using a sensed characteristic of the material. That to which the Examiner cites relates to controlling flow of mail along the rollers. There is no disclosure of calculation of any adjustment to the material, e.g. to its shape or dress.

Finally, DeWitt does not disclose retaining a sensed characteristic for certification of the sensed characteristic. The sensed characteristic as claimed in the present application is related to if not the same measurement of the predetermined characteristic of the predetermined portion of the material, where the sensor is protected by a sensor housing. That to which the Examiner cites is image data obtained by a reader, but the image is not used by DeWitt to control a stepper motor or in the performance of any other claimed limitations of the current application. Moreover, DeWitt's verifier scans a printed label to ensure that postage was printed properly and that the label was properly adhered. It does not certify the measured characteristic of the material.

Therefore, DeWitt does not disclose every element and limitation of the claimed invention arranged as in the claim and cannot be an anticipating reference under 35 U.S.C. §102(e).

With respect to claim 2, the Examiner again mixes the characteristics to which the Examiner cites by mixing (1) a position sensed characteristic (location of mail on the line) with

(2) an unrelated optically sensed data (image data). Further, as claim 1, having been traversed, is allowable, Applicant respectfully submits that claim 2, depending from claim 1, is allowable.

With respect to claim 3, as claim 1, having been traversed, is allowable, Applicant respectfully submits that claim 2, depending from claim 1, is allowable.

With respect to claim 6, the Examiner again mixes the characteristics to which the Examiner cites by mixing (1) a position sensed characteristic (location of mail on the line) with (2) an unrelated optically sensed data (image data). Moreover, DeWitt's verifier scans a printed label to ensure that the postage was printed properly and that the label was properly adhered. It does not certify the measured characteristic of the material. Further, as claim 1, having been traversed, is allowable, Applicant respectfully submits that claim 6, depending from claim 1, is allowable.

With respect to claim 8, DeWitt's certification is not the same as that claimed in the present application. DeWitt's verifier scans a printed label to ensure that the postage was printed properly and that the label was properly adhered. It does not certify the measured characteristic of the material. Further, as claim 1, having been traversed, is allowable, Applicant respectfully submits that claim 8, depending from claim 1, is allowable.

With respect to claim 9, DeWitt never discloses types of materials. The portion of DeWitt to which the Examiner cites states only "In addition, a separate verifier computer 17 may be provided for processing image data obtained by the verifier 100." Further, as claim 1, having been traversed, is allowable, Applicant respectfully submits that claim 9, depending from claim 1, is allowable.

With respect to claim 10, DeWitt never discloses cutting, shaping, etching, welding, progressive dies, stamping, or riveting. The "stamping" to which DeWitt refers would be one of

imprinting, not milling. Further, as claim 1, having been traversed, is allowable, Applicant respectfully submits that claim 10, depending from claim 1, is allowable.

With respect to claim 11, DeWitt does not disclose a milling line, as discussed herein above. The processing, as will be familiar to those of ordinary skill in the art, of a milling line comprises shaping, finishing, or transforming by passing through a machine, e.g. to shape or dress, as metal, such as by means of a rotary cutter. DeWitt discloses no such processing. Instead, DeWitt relates to bulk mail processing.

As discussed above, DeWitt's first sensed characteristic is position along its line. However, DeWitt's certification is of image data, i.e. a second sensed characteristic. DeWitt's certification is not of the first sensed characteristic. In the present application, the sensed characteristic (i.e., the first sensed characteristic) is certified.

With respect to claim 12, as claim 11, having been traversed, is allowable, Applicant respectfully submits that claim 12, depending from claim 11, is allowable.

With respect to claim 13, DeWitt does not disclose a tensioner for maintaining a predetermined pressure between the stepper motor and the material. Further, as claim 11, having been traversed, is allowable, Applicant respectfully submits that claim 13, depending from claim 11, is allowable.

With respect to claim 14, as claim 11, having been traversed, is allowable, Applicant respectfully submits that claim 14, depending from claim 11, is allowable.

With respect to claim 15, DeWitt does not disclose pressure sensors or acoustic sensors. The optical sensor disclosed by DeWitt is used to gather image data, not measurement data, e.g. positioning data or material dimension data. Further, as claim 11, having been traversed, is allowable, Applicant respectfully submits that claim 15, depending from claim 11, is allowable.

With respect to claim 16, as discussed herein above, DeWitt does not disclose a milling line or a milling table. DeWitt further fails to disclose calculation of an adjustment of the material based on sensed measurements.

With respect to claim 17, DeWitt does not disclose any kind of tensioner, especially one that will keep a predetermined pressure between a stepper motor and the material. Further, as claim 16, having been traversed, is allowable, Applicant respectfully submits that claim 17, depending from claim 16, is allowable.

As claim 11, having been traversed, is allowable, Applicant respectfully submits that claim 18, depending from claim 16, is allowable.

With respect to claim 19, DeWitt does not disclose pressure sensors or acoustic sensors. The optical sensor disclosed by DeWitt is used to gather image data, not measurement data, e.g. positioning data. Further, as claim 16, having been traversed, is allowable, Applicant respectfully submits that claim 19, depending from claim 11, is allowable.

The Examiner rejected claims 4 and 5 as being unpatentable under 35 U.S.C. §103(a) over DeWitt in view of U.S. Pub. No. 2002/0104782 (DeWitt-II). Applicant respectfully traverses.

When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. *See, e.g., McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52 (Fed. Cir. 2001) (“the central question is whether there is reason to combine [the] references,” a question of fact drawing on the Graham factors).

As traversed above, claim 1 is distinct over the art cited. Claims 4 and 4 depend from claim 1 and are, therefore, patentably distinct over the art.

Moreover, DeWitt and DeWitt-II individually or in combination both fail to disclose a milling line; sensing a predetermined characteristic of the material on the milling line; calculating an adjustment of the material in a predetermined plane using the sensed characteristic; sending a signal to the stepper motor based on the calculated adjustment, if the adjustment is non-zero; and retaining the sensed characteristic of the material for certification of the sensed characteristic. In both, for example, there is no adjustment of material and in both there is no certification of a sensed characteristic where that sensed characteristic is the same characteristic used to either calculate an adjustment of the material or control a stepper motor.

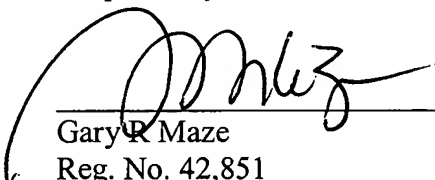
Therefore, even combining DeWitt with DeWitt-II fails to disclose the inventions claimed in claims 4 or 5.

### III. CONCLUSION

In view of the foregoing, Applicant respectfully requests an early Notice of Allowance of pending claims 1-19.

Respectfully submitted,

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